

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Devon Brown

CONFIRMATION NO: 9386

APPLICATION NO: 10/544,284

Atty. Docket: 70235USPCT

INTERNATIONAL APPLICATION NO: PCT/EP04/01427

INTERNATIONAL FILING DATE: 02/16/2004

FOR: EXPRESSION IN PLANTS OF ANTIBODIES AGAINST ENTEROTOXIGENIC
ESCHERICHIA COLI

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

Sir:

The Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated November 9, 2005 (a copy of which is enclosed) has a shortened statutory time set to expire on January 9, 2006.

In response, applicants submit herewith an original executed Declaration of the inventors. Please charge Applicants' credit card for the \$130 surcharge fee under 37 CFR §1.16(e), and \$250 for the 16 pages in excess of 150 pages for a large entity. A credit card payment form is enclosed for processing.

The Notification also stated a corrected Sequence Listing was needed, but did not include the marked-up "Raw Sequence Listing" as required. Therefore, Applicants were unable to determine how to correct the Sequence Listing. Applicants respectfully request that the marked-up sequence listing be sent so we may provide a corrected sequence listing.

REFERENCE NUMBER: 00000122 10544284

AUG 12 2005
2005130.00 EP
250.00 OP

02 JULY 15 2006 3:00

The Commissioner is hereby authorized to charge any additional fees under 37 CFR §1.17 which may be required, or credit any overpayment, to Account No. 50-1744 in the name of Syngenta Biotechnology Inc.

If the Examiner has any questions regarding this response, he or she is invited to contact the undersigned at 919-765-5071.

Syngenta Biotechnology Inc.
Patent Department
3054 Cornwallis Road
Research Triangle Park, NC 27709-2257

Respectfully submitted,

Mary Kakefuda
Mary Kakefuda
Attorney for Applicants
Reg. No. 39,245
Phone: (919) 765-5071

Date: January 5, 2006

IAP4 Rec'd PCT/PTO 09 JAN 2006

Attorney Docket No. 70235USPCT
Application No. 10/544,284

FILING BY "FIRST CLASS MAIL" UNDER 37 § C.F.R. 1.8

I hereby certify that the following correspondence is being deposited with the United States Postal Service as "First Class Mail" with proper postage in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, Alexandria, VA 22313-1450, on January 5, 2006.

- 1) Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)
- 2) Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated November 9, 2005
- 3) Declaration for Utility or Design Patent Application (37 CFR 1.63) (6 total)
- 4) Power of Attorney or Authorization of Agent (6 total)
- 5) Credit Card Payment Form
- 6) Return Postcard

Melissa Hardy
Name

Melissa Hardy
Signature

Ge 7/15 AM 8:00



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/544,284	Devon Brown	70235USPCT

22847
 SYNGENTA BIOTECHNOLOGY, INC.
 PATENT DEPARTMENT
 3054 CORNWALLIS ROAD
 P.O. BOX 12257
 RESEARCH TRIANGLE PARK, NC 27709-2257

RECEIVED

NOV 14 2005

SYNGENTA
 PATENT & LICENSING (RTP, NC)

INTERNATIONAL APPLICATION NO.

PCT/EP04/01427

I.A. FILING DATE

02/16/2004

PRIORITY DATE

02/18/2003

CONFIRMATION NO. 9386
 371 FORMALITIES LETTER



OC000000017408292

Date Mailed: 11/09/2005

Due: 11/12/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) *Docket d*

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 08/02/2005
- Copy of the International Search Report filed on 08/02/2005
- Preliminary Amendments filed on 08/02/2005
- Biochemical Sequence Diskette filed on 08/02/2005
- Biochemical Sequence Listing filed on 08/02/2005
- U.S. Basic National Fees filed on 08/02/2005
- Priority Documents filed on 08/02/2005
- Specification filed on 08/02/2005
- Claims filed on 08/02/2005
- Abstracts filed on 08/02/2005
- Drawings filed on 08/02/2005
- Paper nucleotide sequence listings filed on 08/02/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$380** for a Large Entity:

- **\$130 Surcharge.**

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).
- The fee for submitting a specification and drawing containing more than 100 pages has not been paid in full. Applicant owes **\$250** for 16 pages in excess of 150 pages for a large entity.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

INDIA L EVANS

Telephone: (703) 308-9140 EXT 212

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/544,284	PCT/EP04/01427	70235USPCT